



General Assembly

***Substitute Bill No. 1157***

*January Session, 2003*

***AN ACT CONCERNING MINOR REVISIONS TO THE  
ENVIRONMENTAL PROTECTION PROVISIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (2) of subsection (a) of section 22a-449c of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2003*):

4 (2) The account shall be used by the Commissioner of  
5 Environmental Protection to provide money for reimbursement or  
6 payment pursuant to section 22a-449f, as amended by this act, to  
7 responsible parties or parties supplying goods or services, or both, to  
8 responsible parties for costs, expenses and other obligations paid or  
9 incurred, as the case may be, as a result of releases, and suspected  
10 releases, costs of investigation of releases and suspected releases, and  
11 third party claims for bodily injury, property damage and damage to  
12 natural resources. Such costs of investigation shall not include interest  
13 or finance charges incurred by the responsible party that accrued  
14 during the time period specified for the rendering of a review board  
15 decision in subsection (c) of section 22a-449f, as amended by this act.  
16 Notwithstanding the provisions of this section regarding  
17 reimbursements of parties pursuant to section 22a-449f, as amended by  
18 this act, the responsible party for a release shall bear all costs of the  
19 release that are less than ten thousand dollars or more than one million  
20 dollars, except that for any such release which was reported to the

21 department prior to December 31, 1987, and for which more than five  
22 hundred thousand dollars has been expended by the responsible party  
23 to remediate such release prior to June 19, 1991, the responsible party  
24 for the release shall bear all costs of such release which are less than  
25 ten thousand dollars or more than five million dollars, provided the  
26 portion of any reimbursement or payment in excess of three million  
27 dollars may, at the discretion of the commissioner, be made in annual  
28 payments for up to a five-year period. There shall be allocated to the  
29 department annually, for administrative costs, two million dollars.

30 Sec. 2. Subsection (a) of section 22a-449f of the general statutes is  
31 repealed and the following is substituted in lieu thereof (*Effective July*  
32 *1, 2003*):

33 (a) A responsible party may apply to the Underground Storage  
34 Tank Petroleum Clean-Up Account Review Board established under  
35 section 22a-449d, for reimbursement for costs paid and payment of  
36 costs incurred or for the preauthorization of costs to be incurred within  
37 a period of not more than twelve months as a result of a release, or a  
38 suspected release, including costs of investigating a release, or a  
39 suspected release, incurred or paid by a responsible party who is  
40 determined not to have been liable for any such release. Such costs of  
41 investigation shall not include interest or finance charges incurred by  
42 the responsible party that accrued during the time period specified for  
43 the rendering of a review board decision in subsection (c) of this  
44 section. If a person or entity, other than a responsible party, claims to  
45 have suffered damage or personal injury from a release, and the  
46 responsible party denies there was a release or does not apply to the  
47 board for payment of such claim, the person or entity holding such  
48 claim may apply to the board for payment for such damage or  
49 personal injury. The board shall order reimbursement or payment  
50 from the account for any cost paid or incurred, as the case may be, if,  
51 (1) such cost is or was incurred after July 5, 1989, (2) the responsible  
52 party was or would have been required to demonstrate financial  
53 responsibility under 40 CFR Part 280.90 et seq. as said regulation was  
54 published in the Federal Register of October 26, 1988, for the

55 underground storage tank or underground storage tank system from  
56 which the release emanated, whether or not such owner is required to  
57 comply with said requirements on the date any such cost is incurred,  
58 provided if the state is the responsible party, the board may order  
59 payment from the account without regard to whether the state was or  
60 would have been required to demonstrate financial responsibility  
61 under said sections 40 CFR Part 280.90 et seq., (3) after the release, if  
62 any, the responsible party incurred a cost, expense or obligation for  
63 investigation, cleanup or for claims of third parties resulting from a  
64 release, provided any third party claim shall be required to be finally  
65 adjudicated or settled with the prior written approval of the board  
66 before an application for reimbursement or payment is made, (4) the  
67 board determines that the cost is for damage that was incurred as a  
68 result of the release, and that the grounds for recovery specified in  
69 subsection (b) of this section do not exist at the time such  
70 determination is made, and (5) the responsible party notified the board  
71 as soon as practicable of the release, and of any third party claim  
72 resulting from the release, in accordance with the regulations adopted  
73 pursuant to section 22a-449e. A responsible party that has received a  
74 decision from the review board preauthorizing costs to be incurred  
75 may apply, on a monthly basis, to the board for the reimbursement of  
76 costs actually incurred. In acting on a request for payment or  
77 reimbursement, the board, using funds from the underground storage  
78 tank petroleum clean-up account, may contract with experts,  
79 including, but not limited to, attorneys and medical professionals, to  
80 better evaluate and defend against claims and negotiate third party  
81 claims. The costs of the board for experts shall not be charged to the  
82 amount allocated to the Department of Environmental Protection  
83 pursuant to section 22a-449c, as amended by this act.

84 Sec. 3. Subsection (c) of section 22a-449f of the general statutes is  
85 repealed and the following is substituted in lieu thereof (*Effective July*  
86 *1, 2003*):

87 (c) The review board shall render its decision not more than ninety  
88 days after receipt of an application from a responsible party or a third

89 party, [provided,] except that in the case of a second or subsequent  
90 application, the board shall render its decision not more than forty-five  
91 days after receipt of such application and, in the case of a responsible  
92 party that previously received preauthorization for costs to be  
93 incurred, the board shall render its decision not more than thirty days  
94 after receipt of such application. A copy of the decision shall be sent to  
95 the Commissioner of Environmental Protection and the applicant or  
96 responsible party by certified mail, return receipt requested. The  
97 Commissioner of Environmental Protection or any person aggrieved  
98 by the decision of the board may, within twenty days from the date of  
99 issuance of such decision, request a hearing before the board in  
100 accordance with the provisions of chapter 54. After such hearing, the  
101 board shall consider the information submitted to it and affirm or  
102 modify its decision on the application. A copy of the affirmed or  
103 modified decision shall be sent to the applicant or responsible party by  
104 certified mail, return receipt requested.

105 Sec. 4. Subsection (g) of section 22a-619 of the general statutes is  
106 repealed and the following is substituted in lieu thereof (*Effective July*  
107 *1, 2003*):

108 (g) (1) Manufacturers shall meet all the requirements of this section  
109 for large appliances, including, but not limited to, washers, dryers,  
110 ovens, including microwave ovens, refrigerators, air conditioners,  
111 dehumidifiers or portable heaters sold in a store where such appliance  
112 is on display, except that no package labeling shall be required; (2)  
113 manufacturers shall meet all the requirements of this section for  
114 mercury fever thermometers, except that no product labeling shall be  
115 required; (3) in the case of vehicles, (A) manufacturers shall meet the  
116 product labeling requirements of this section for vehicles by placing a  
117 label on the doorpost of the vehicles that lists the mercury-added  
118 components that may be present in the vehicle, and (B) manufacturers  
119 shall not be required to label the mercury-added components of the  
120 vehicle; (4) manufacturers of products that contain a mercury-  
121 containing lamp used for backlighting that cannot feasibly be removed  
122 by the purchaser shall meet the product labeling requirements of this

123 section by placing the label on the product or its care and use manual;  
124 (5) manufacturers shall meet all the requirements of this section for  
125 button cell batteries containing mercury, except that no labeling shall  
126 be required; (6) in the case of products that contain button cell batteries  
127 containing mercury as the only mercury components, manufacturers  
128 shall meet the packaging requirements of this section by including a  
129 label in the product instructions, if any, and on the packaging, and no  
130 further product labeling shall be required; (7) manufacturers of  
131 fluorescent lights and high-intensity discharge lamps shall meet the  
132 labeling requirements of this section by labeling the product  
133 packaging; and (8) manufacturers of medical equipment not intended  
134 for use by nonmedical personnel are exempt from this section.

135 Sec. 5. Subsection (b) of section 7-131b of the general statutes is  
136 repealed and the following is substituted in lieu thereof (*Effective July*  
137 *1, 2003*):

138 (b) Any owner who encumbers his property by conveying a less  
139 than fee interest to any municipality under subsection (a) of this  
140 section or to a nonprofit land conservation organization shall, upon  
141 written application to the assessor or board of assessors of the  
142 municipality in which the property is located, be entitled to a  
143 revaluation of such property to reflect the existence of such  
144 encumbrance, effective with respect to the next-succeeding assessment  
145 list of such municipality. Any such owner shall be entitled to such  
146 revaluation, notwithstanding the fact that he conveyed such less than  
147 fee interest prior to October 1, 1971, provided no such revaluation shall  
148 be effective retroactively.

149 Sec. 6. Section 12-504c of the general statutes is repealed and the  
150 following is substituted in lieu thereof (*Effective July 1, 2003*):

151 The provisions of section 12-504a shall not be applicable to the  
152 following: (a) Transfers of land resulting from eminent domain  
153 proceedings; (b) mortgage deeds; (c) deeds to or by the United States  
154 of America, state of Connecticut or any political subdivision or agency

155 thereof; (d) strawman deeds and deeds which correct, modify,  
156 supplement or confirm a deed previously recorded; (e) deeds between  
157 husband and wife and parent and child when no consideration is  
158 received, except that a subsequent nonexempt transfer by the grantee  
159 in such cases shall be subject to the provisions of section 12-504a as it  
160 would be if the grantor were making such nonexempt transfer; (f) tax  
161 deeds; (g) deeds releasing any property which is a security for a debt  
162 or other obligation; (h) deeds of partition; (i) deeds made pursuant to a  
163 merger of a corporation; (j) deeds made by a subsidiary corporation to  
164 its parent corporation for no consideration other than the cancellation  
165 or surrender of the capital stock of such subsidiary; (k) property  
166 transferred as a result of death by devise or otherwise and in such  
167 transfer the date of acquisition or classification of the land for purposes  
168 of sections 12-504a to 12-504f, inclusive, as amended by this act,  
169 whichever is earlier, shall be the date of acquisition or classification by  
170 the decedent; (l) deeds to any corporation, trust or other entity, of land  
171 to be held in perpetuity for educational, scientific, aesthetic or other  
172 equivalent passive uses, provided such corporation, trust or other  
173 entity has received a determination from the Internal Revenue Service  
174 that contributions to it are deductible under applicable sections of the  
175 Internal Revenue Code; (m) land subject to a covenant specifically set  
176 forth in the deed transferring title to such land, which covenant is  
177 enforceable by the town in which such land is located or by a nonprofit  
178 land conservation organization, to refrain from selling or developing  
179 such land in a manner inconsistent with its classification as farm land  
180 pursuant to section 12-107c, forest land pursuant to section 12-107d or  
181 open space land pursuant to section 12-107e for a period of not less  
182 than eight years from the date of transfer, if such covenant is violated  
183 the conveyance tax set forth in this chapter shall be applicable at the  
184 rate which would have been applicable at the date the deed containing  
185 the covenant was delivered and, in addition, the town or any taxpayer  
186 therein may commence an action to enforce such covenant; and (n)  
187 land the development rights to which have been sold to the state under  
188 chapter 422a. If such action is taken by such a taxpayer, the town shall  
189 be served as a necessary party.

190 Sec. 7. Subsection (c) of section 25-33o of the general statutes is  
191 repealed and the following is substituted in lieu thereof (*Effective July*  
192 *1, 2003*):

193 (c) The council shall, not later than January 1, 2002, and annually  
194 thereafter, report its preliminary findings and any proposed legislative  
195 changes to the joint standing committees of the General Assembly  
196 having cognizance of matters relating to public health, the  
197 environment and public utilities in accordance with section 11-4a,  
198 except that not later than February 1, 2004, the council shall report its  
199 final recommendations in accordance with this subsection with regard  
200 to (1) a water allocation plan based on water budgets for each  
201 watershed, (2) funding for water budget planning, giving priority to  
202 the most highly stressed watersheds, and (3) the feasibility of merging  
203 the data collection and regulatory functions of the Department of  
204 Environmental Protection's Inland Water Resources Program and the  
205 Department of Public Health's Water Supplies Section.

206 Sec. 8. Subsection (a) of section 26-86a of the general statutes is  
207 repealed and the following is substituted in lieu thereof (*Effective July*  
208 *1, 2003*):

209 (a) The commissioner shall establish by regulation adopted in  
210 accordance with the provisions of chapter 54 standards for deer  
211 management, and methods, regulated areas, bag limits, seasons and  
212 permit eligibility for hunting deer with bow and arrow, muzzleloader  
213 and shotgun, except that no such hunting shall be permitted on  
214 Sunday. No person shall hunt, pursue, wound or kill deer with a  
215 firearm without first obtaining a deer permit from the commissioner in  
216 addition to the license required by section 26-27. Application for such  
217 permit shall be made on forms furnished by the commissioner and  
218 containing such information as he may require. Such permit shall be of  
219 a design prescribed by the commissioner, shall contain such  
220 information and conditions as the commissioner may require, and may  
221 be revoked for violation of any provision of this chapter or regulations  
222 adopted pursuant thereto. As used in this section, muzzleloader means

223 a rifle or shotgun of at least forty-five caliber, incapable of firing a self-  
224 contained cartridge, which uses powder, [ball] a projectile and  
225 wadding loaded separately at the muzzle end and rifle means a long  
226 gun which uses centerfire ammunition and the projectile of which is  
227 six millimeters or larger in diameter. The fee for a firearms permit shall  
228 be fourteen dollars for residents of the state and fifty dollars for  
229 nonresidents, except that any nonresident who is an active full-time  
230 member of the armed forces, as defined in section 27-103, may  
231 purchase a firearms permit for the same fee as is charged a resident of  
232 the state. The commissioner shall issue, without fee, a private land  
233 deer permit to the owner of ten or more acres of private land and the  
234 husband or wife, parent, grandparent, sibling and any lineal  
235 descendant of such owner, provided no such owner, husband or wife,  
236 parent, grandparent, sibling or lineal descendant shall be issued more  
237 than one such permit per season. Such permit shall allow the use of a  
238 rifle, shotgun, muzzleloader or bow and arrow on such land from  
239 November first to December thirty-first, inclusive. Deer may be so  
240 hunted at such times and in such areas of such state-owned land as are  
241 designated by the Commissioner of Environmental Protection and on  
242 privately owned land with the signed consent of the landowner, on  
243 forms furnished by the department, and such signed consent shall be  
244 carried by any person when so hunting on private land. The owner of  
245 ten acres or more of private land may allow the use of a rifle to hunt  
246 deer on such land during the shotgun season. The commissioner shall  
247 determine, by regulation, the number of consent forms issued for any  
248 regulated area established by said commissioner. The commissioner  
249 shall provide for a fair and equitable random method for the selection  
250 of successful applicants who may obtain shotgun and muzzleloader  
251 permits for hunting deer on state lands. Any person whose name  
252 appears on more than one application for a shotgun permit or more  
253 than one application for a muzzleloader permit shall be disqualified  
254 from the selection process for such permit. No person shall hunt,  
255 pursue, wound or kill deer with a bow and arrow without first  
256 obtaining a bow and arrow permit pursuant to section 26-86c, as  
257 amended by this act. "Bow and arrow" as used in this section and in



258 section 26-86c, as amended by this act, means a bow [capable of  
259 propelling a hunting type arrow of not less than four hundred grains,  
260 one hundred fifty yards free flight on level ground] with a draw  
261 weight of not less than forty pounds. As used in this section,  
262 "projectile" includes, but is not limited to, a standard round ball, mini-  
263 balls, maxi-balls and Sabot bullets. The arrowhead shall have two or  
264 more blades and may not be less than seven-eighths of an inch at the  
265 widest point. No person shall carry firearms of any kind while hunting  
266 with a bow and arrow under said sections.

267 Sec. 9. Section 26-86c of the general statutes is repealed and the  
268 following is substituted in lieu thereof (*Effective July 1, 2003*):

269 No person may hunt deer or small game with a bow and arrow  
270 under the provisions of this chapter without a valid permit issued by  
271 the Commissioner of Environmental Protection pursuant to this  
272 section or section 26-86a, as amended by this act, for persons hunting  
273 deer with bow and arrow under private land deer permits issued free  
274 to qualifying landowners, husband or wife, parent, grandparent, lineal  
275 descendant or siblings under that section. The fee for such bow and  
276 arrow permit to hunt deer and small game shall be thirty dollars for  
277 residents and one hundred dollars for nonresidents, or thirteen dollars  
278 for any person twelve years of age or older but under sixteen years of  
279 age, except that any nonresident who is an active full-time member of  
280 the armed forces, as defined in section 27-103, may purchase a bow  
281 and arrow permit to hunt deer and small game for the same fee as is  
282 charged a resident of the state. Permits to hunt with a bow and arrow  
283 under the provisions of this chapter shall be issued only to qualified  
284 applicants therefor by the Commissioner of Environmental Protection,  
285 in such form as said commissioner prescribes. Applications shall be  
286 made on forms furnished by the commissioner containing such  
287 information as he may require and all such application forms shall  
288 have printed thereon: "I declare under the penalties of false statement  
289 that the statements herein made by me are true and correct." Any  
290 person who makes any material false statement on such application  
291 form shall be guilty of false statement and shall be subject to the

penalties provided for false statement and said offense shall be deemed to have been committed in the town in which the applicant resides. No such application shall contain any material false statement. On and after January 1, 2002, permits to hunt with a bow and arrow under the provisions of this chapter shall be issued only to qualified applicants who have successfully completed the conservation education bow hunting course as specified in section 26-31 or an equivalent course in another state.

Sec. 10. Section 14-387 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2003*):

No person shall operate a snowmobile or all-terrain vehicle in the following manner: (1) On any public highway, except such snowmobile or all-terrain vehicle, if operated by a licensed motor vehicle operator, may cross a public highway if the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a location where no obstruction prevents a quick and safe crossing, the snowmobile or all-terrain vehicle is completely stopped before entering the traveled portion of the highway and the driver yields the right-of-way to motor vehicles using the highway, provided nothing in this subsection shall be construed to permit the operation of a snowmobile or all-terrain vehicle on a limited access highway, as defined in subsection (a) of section 13a-1; (2) in such a manner that the exhaust of the snowmobile or all-terrain vehicle makes an excessive or unusual noise; (3) without a functioning muffler, subject to the provisions of section 14-80, properly operating brakes, sufficient and adequate front and rear lighting and reflecting devices, except an all-terrain vehicle with an engine size of ninety cubic centimeters or less shall not be required to be equipped with front and rear lighting and shall not be operated after dark; (4) in any manner which would cause harassment of any game or domestic animal; (5) on any [fenced agricultural land or posted] land without the written permission of the owner, or the agent of the owner, or in the case of state-owned land, without the written permission of the state agency or institution under whose control such land is, or in the case of land

326 under the jurisdiction of a local municipality without the written  
327 permission of such municipality, which written permission shall be  
328 carried on the person operating the snowmobile or all-terrain vehicle  
329 while on such land; and (6) on any railroad right-of-way. Nothing in  
330 sections 14-379 to 14-390, inclusive, shall preclude the operation of a  
331 snowmobile or all-terrain vehicle (A) on the frozen surface of any  
332 public body of water, provided any municipality may by ordinance  
333 regulate the hours of operation of snowmobiles and all-terrain vehicles  
334 on public waters within such municipality and provided the operation  
335 of a snowmobile or all-terrain vehicle shall be subject to the provisions  
336 of section 25-43c; or (B) on any abandoned or disused railroad right-of-  
337 way or in any place or upon any land specifically designated for the  
338 operation of snowmobiles and all-terrain vehicles by statute,  
339 regulation or local ordinance. Any person who violates any provision  
340 of this section shall have committed a separate infraction for each such  
341 violation.

342 Sec. 11. Subsection (h) of section 22a-6 of the general statutes is  
343 repealed and the following is substituted in lieu thereof (*Effective July*  
344 *1, 2003*):

345 (h) The commissioner may adopt regulations pertaining to activities  
346 for which the federal government has adopted standards or  
347 procedures. All provisions of such regulations which differ from the  
348 applicable federal standards or procedures shall be clearly  
349 distinguishable from such standards or procedures either on the face  
350 of the proposed regulation or through supplemental documentation  
351 accompanying the proposed regulation at the time of the [public  
352 hearing on] notice concerning such regulation required under [chapter  
353 54] section 4-168. An explanation for all such provisions shall be  
354 included in the regulation-making record required under chapter 54  
355 and shall be publicly available at the time of the notice concerning the  
356 regulation required under section 4-168. This subsection shall apply to  
357 any regulation for which a notice of intent to adopt is published on  
358 and after July 1, 1999.

359 Sec. 12. Section 22a-32 of the general statutes is repealed and the  
360 following is substituted in lieu thereof (*Effective July 1, 2003*):

361 No regulated activity shall be conducted upon any wetland without  
362 a permit. Any person proposing to conduct or cause to be conducted a  
363 regulated activity upon any wetland shall file an application for a  
364 permit with the commissioner, in such form and with such information  
365 as the commissioner may prescribe. Such application shall include a  
366 detailed description of the proposed work and a map showing the area  
367 of wetland directly affected, with the location of the proposed work  
368 thereon, together with the names of the owners of record of adjacent  
369 land and known claimants of water rights in or adjacent to the wetland  
370 of whom the applicant has notice. The commissioner shall cause a copy  
371 of such application to be mailed to the chief administrative officer in  
372 the town or towns where the proposed work, or any part thereof, is  
373 located, and the chairman of the conservation commission and  
374 shellfish commission of the town or towns where the proposed work,  
375 or any part thereof, is located. No sooner than thirty days and not later  
376 than sixty days after the receipt of such application, the commissioner  
377 or his duly designated hearing officer shall hold a public hearing on  
378 such application, provided, whenever the commissioner determines  
379 that the regulated activity for which a permit is sought is not likely to  
380 have a significant impact on the wetland, he may waive the  
381 requirement for public hearing after publishing notice, in a newspaper  
382 having general circulation in each town wherever the proposed work  
383 or any part thereof is located, of his intent to waive said requirement  
384 and of his tentative decision regarding the application, except that the  
385 commissioner shall hold a hearing on such application upon receipt of  
386 a petition, signed by at least twenty-five persons, which persons shall  
387 be not less than eighteen years of age and residents of the municipality  
388 in which the regulated activity is proposed, requesting such a hearing.  
389 The following shall be notified of the hearing by mail not less than  
390 fifteen days prior to the date set for the hearing: All of those persons  
391 and agencies who are entitled to receive a copy of such application in  
392 accordance with the terms hereof and all owners of record of adjacent

land and known claimants to water rights in or adjacent to the wetland of whom the applicant has notice. The commissioner shall cause notice of his tentative decision regarding the application and such hearing to be published at least once not more than thirty days and not fewer than ten days before the date set for the hearing in the newspaper having a general circulation in each town where the proposed work, or any part thereof, is located. All applications and maps and documents relating thereto shall be open for public inspection at the office of the commissioner. At such hearing any person or persons may appear and be heard.

Sec. 13. Section 23-8b of the general statutes is amended by adding subsection (f) as follows (*Effective July 1, 2003*):

(NEW) (f) Notwithstanding any provision of the general statutes, special police officers for utility companies, appointed by the Commissioner of Public Safety pursuant to section 29-19, and conservation officers and special conservation officers and patrolmen, appointed by the Commissioner of Environmental Protection pursuant to section 26-5, shall have jurisdiction over any land purchased by the state under the terms of any such contract and said officers shall have the same authority to make arrests on such lands as they have under section 29-18 for lands owned by the Department of Environmental Protection.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>July 1, 2003</i>
Sec. 7	<i>July 1, 2003</i>
Sec. 8	<i>July 1, 2003</i>
Sec. 9	<i>July 1, 2003</i>
Sec. 10	<i>July 1, 2003</i>
Sec. 11	<i>July 1, 2003</i>

Sec. 12	<i>July 1, 2003</i>
Sec. 13	<i>July 1, 2003</i>

**ENV**      *Joint Favorable Subst.*

**PS**        *Joint Favorable*